

HOUSE No. 2856

By Ms. Malia of Boston, petition of Elizabeth A. Malia and others relative to the creation of an advisory council on licensure of sex offender treatment providers within the Board of Registration of Allied Mental Health Professions. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Elizabeth A. Malia	Susan C. Fargo
Karen E. Spilka	Gale D. Candaras
Peter J. Koutoujian	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE CREATION OF AN ADVISORY COUNCIL ON LICENSURE OF SEX OFFENDER TREATMENT PROVIDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 17 of the General Laws as appearing in the 2002 Offi-
- 2 cial Edition, is hereby amended by inserting after section 6, the
- 3 following section: Section 6A. Advisory Council on Licensure of
- 4 Sex Offender Treatment Providers
- 5 (a) The Board of Registration of Allied Mental Health Profes-
- 6 sions shall establish within one year of enactment a licensure pro-
- 7 gram for sex offender treatment providers addressing license
- 8 requirements for the assessment and treatment of adult offenders
- 9 and juvenile offenders, to be administered by the Board.
- 10 (b) Within 60 days of enactment of this provision, the Chair of
- 11 the Board of Registration of Allied Mental Health Professions in
- 12 collaboration with the Commissioner of Public Health shall estab-
- 13 lish a multi-disciplinary council, to assist with the development of
- 14 the statewide program for the licensure of sex offender treatment
- 15 providers, hereinafter referred to as "the council". The member-
- 16 ship of the council shall include, but not be limited to at least one
- 17 representative from the following entities: the Board of Registra-

18 tion of Allied Mental Health Professions; the MA Dept of Public
19 Health Sexual Assault Prevention and Survivor Services Division;
20 the MA Association for the Treatment of Sex Abusers; the MA
21 Adolescent Sex Offender Coalition, the Sex Offender Registry
22 Board, the MA Department of Youth Services, the MA Dept of
23 Corrections, the MA Parole Board, the Office of the Commis-
24 sioner of Probation, Jane Doe Inc., and the MA Office for Victim
25 Assistance.

26 (c) Within six months of enactment of this provision, the
27 council shall provide a report to the Commissioner of Public
28 Health and Chair of the Board of Registration of Allied Mental
29 Health Professions containing recommended regulations for the
30 administration of the statewide licensure program for sex offender
31 treatment providers. Upon receipt of said report the Board of Reg-
32 istration of Allied Mental Health Professions shall promulgate
33 regulations for the implementation of the statewide licensure pro-
34 gram pertaining to, at a minimum, educational degree require-
35 ments; continuing education requirements; current mental health
36 licensure prerequisites; required experience in providing special-
37 ized sex offender treatment and/or assessment; treatment and/or
38 assessment methodologies; differentiated standards for specializa-
39 tions; clinical supervision requirements; criminal background
40 prohibitions; procedures for receiving and addressing consumer
41 complaints; application, renewal, suspension, revocation, appeals,
42 and reinstatement requirements, procedures, and fees.

43 (d) The council shall be reconvened every 3 years to review and
44 recommend necessary changes, if any, to the promulgated regula-
45 tions based on currently accepted practices in the field of sex
46 offender treatment.

47 (e) The Board, after a hearing, may, suspend, revoke or cancel
48 any license granted under this section, if it appears that the holder
49 of such license or authority, is incapacitated by reason of mental
50 illness, or is guilty of deceit, malpractice, gross misconduct in the
51 practice of his profession, or of any offense against the laws of the
52 commonwealth that would have prohibited the initial issuance of
53 the license.

54 (f) No person shall hold himself out be a licensed sex offender
55 treatment provider unless he has met the applicable requirements
56 set forth in this section.

57 (g) A person who violates the provisions of this section or who
58 fraudulently obtains or attempts to obtain such license or con-
59 tinues to provide treatment to sex offenders after suspension, expi-
60 ration or revocation of his license, shall be punished by a fine of
61 not less than five hundred nor more than one thousand dollars for
62 each such violation. The superior court shall have jurisdiction to
63 enforce the provisions of this section and to remedy any violation
64 thereof.

65 (h) Nothing in this section shall be construed to prevent mem-
66 bers of peer group or self-help groups from performing peer coun-
67 seling or self-help activities which may be, wholly or in part,
68 included as a defined professional service under this section, pro-
69 vided however, that no members of peer group or self-help groups
70 shall use a title stating or implying that they are a licensed sex
71 offender treatment provider.